

REMARKS

Claims 16, 18 and 25-35 are now pending. Claims 16, 18 25, 26, 28 and 30 have been amended. Claims 32-35 have been added; however, no additional claims fees are required.

Claim Rejections- 35 USC § 103

The Patent Office rejected claims 16, 18, 22 and 25-31 as being unpatentable over Chait et al., United States Patent 5,639,471 (Chait) in view of Blank, United States Patent 5,913,826 (Blank) in further view of "Multidimensional evaluation of monetary incentive strategies for weight control" by Mavis et al. (Mavis).

Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Applicant respectfully submits claims 16, 18, 28 and 30 recite elements which have not been disclosed, taught or suggested by Chait, Blank and Davis, individually or in combination.

For example, claims 16, 18, 28 and 30 generally recite a method and system for aggregating information from individuals in a population thereof, the method and system generally comprising:

- a) coupling a client device to a data collection element for each of a plurality of individuals in the population, said data collection element including a weight scale;
- b) prompting each individual for health-related information, and collecting the health-related information for each individual at the client device associated with each individual, said health-related information including weight of each individual;
- c) sending the collected information from said client devices to a server device over a network;

d) extracting the collected information from the data collection elements;

e) generating statistical information from said collected information sent from a plurality of the client devices;

f) distributing the statistical information to the individuals; and

g) repeating steps a-d after a period of time has elapsed;

wherein said statistical information comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals and a second statistical measure for a second subpopulation of individuals within the plurality of individuals, said first statistical measure based upon weight of said first subpopulation of individuals and said second statistical measure based upon weight of said second subpopulation of individuals;

h) comparing the first statistical measure with the second statistical measure, and distributing a result of the comparison to the first subpopulation of individuals and to the second subpopulation of individuals; and

i) awarding a benefit to said first subpopulation or said second subpopulation based on the result of the comparison.


Chait, Blank and Davis fail to disclose, teach or suggest the recited elements of claims 16, 18, 28 and 30. Consequently, under *in re Ryoka*, a *prima facie* case of obviousness has not been established for 16, 18, 28 and 30. Claims 25-29 and 31-35 should be allowed due to their dependence upon an allowable base claim.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
Health Hero Network, Inc.

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By: 
Chad W. Swantz
Reg. No. 46,329

SUITER · SWANTZ PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154
(402) 496-0300 telephone
(402) 496-0333 facsimile